



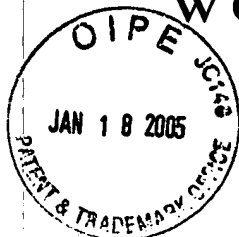
~~In re~~ application of:

Customer No.: 022913

AJL:ds  
DS0000002983V001

VERNON R. RICE §  
OF COUNSEL

\* Admitted only in California  
§ Admitted only in Virginia



# WORKMAN | NYDEGGER

INTELLECTUAL PROPERTY ATTORNEYS

1000 EAGLE GATE TOWER  
60 EAST SOUTH TEMPLE  
SALT LAKE CITY, UTAH 84111  
TELEPHONE: (801) 533-9800  
FAX: (801) 328-1707  
WEBSITE: [HTTP://WWW.WNLAW.COM](http://www.wnlaw.com)

EXPRESS MAIL NO. EV 565664382 US

PATENT APPLICATION

Docket No: 15689.51

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Abeta et al.

Serial No.:

09/446,560

) Art Unit  
) 2634

Confirmation No.:

2502

**Filed:**

December 22, 1999

For:

## CDMA RECEIVER AND CDMA TRANSCEIVER/RECEIVER

Customer No.:

022913

## TRANSMITTAL OF ISSUE FEE PAYMENT

**Mail Stop Issue Fee**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

Sir:

In response to the Notice of Allowance and Issue Fee Due dated December 1, 2004, please find enclosed herewith the following items for filing in the United States Patent and Trademark Office in connection with the above identified patent application:

X Issue Fee Transmittal (PTOL-85B) submitted pursuant to 37 C.F.R. § 1.311.

☐ A Supplemental Declaration executed by the inventor(s) is submitted pursuant to 37 C.F.R. § 1.67.

☒ A Certificate of Deposit Under 37 C.F.R. § 1.8 is enclosed.

☐ Pursuant to the request for submission of formal drawings, enclosed are the following:

☐ A Letter to the Official Draftsperson;

☐ A set of \_\_\_\_\_ ( ) sheets of formal drawings to replace the corresponding drawings originally filed with the subject application.

☐ A duplicate set of the \_\_\_\_\_ ( ) sheets of formal drawings with the changes therein highlighted in red.

☒ PTO 2038 Credit Card form for \$1,415.00 is enclosed to cover:

☒ The \$1,370.00 government issue fee pursuant to 37 C.F.R. § 1.18.

☒ The \$0 government publication fee pursuant to 37 C.F.R. § 1.18.(d)

☒ The \$45.00 fee for fifteen (15) copies of the patent when issued.

☒ The Commission is hereby authorized to charge payment of any additional fees or credit any overpayment to Deposit Account No. 23-3178.

☒ A duplicate copy of this letter is enclosed.

Comments on Statement of Reasons for Allowance

On page 2 of the Examiner's Notice of Allowability, the Examiner has indicated that no prior art was found that "Claims 1-19 are allowable over prior art because related references do not disclose obtaining channel estimation values by calculating a weighted sum of average values of pilot symbols in a pilot block; and controlling the weighting of the sum of the average values of the pilot

symbols in response to a rate of channel fluctuations by using the pilot symbols included in the pilot blocks.”

Applicants respectfully submit that the claimed invention as set forth in each of the independent claims and the dependent claims must be read as a whole, and not as a single feature or subcombination of features which represent less than the entirety of the claimed invention as a whole. While a particular feature or subcombination of features referred to by the Examiner in the Statement of Reasons for Allowance may represent a basis for distinguishing the claimed invention over the prior art, Applicants further submit that this may not necessarily be the *sole* ground for distinguishing the claimed invention over the prior art of record. Accordingly, the Examiner’s statement should, in Applicants’ view, not be read as constituting or meaning that the invention can or should be reduced to a single “feature” of the invention or to a subcombination of features that is less than the entire invention claimed as a whole, nor that the single feature referenced by the Examiner or subcombination of features referenced by the Examiner in the Statement of Reasons for Allowance is the only or sole grounds for distinguishing the invention over the prior art of record.

Please address all future correspondence in connection with the above-identified patent application to the attention of the undersigned.

Dated this 18<sup>th</sup> day of January 2005.

Respectfully submitted,



ADRIAN J. LEE  
Attorney for Applicant  
Registration No. 42,785  
Customer No. 022913